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Diana G. Hildreth

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/677,581

Applicant(s)

HILDRETH, DIANA G.

Examiner

Frantzy Poinvil

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/10/2007 have been fully considered but they are not persuasive.

Applicant's representative argues that the references taken alone or in combination failed to teach or suggest "determining if the at least one credit financing opportunity benefits the user in comparison to the financial products held by the user" or "generating an output...and the benefit received by the user if the at least one credit financing opportunity is pursued".

In response, the Examiner asserts that credit cards are usually sent to prospective clients. These credit cards usually have a very low interest rate to entice the prospective clients. Moreover, new lower mortgage interest rates are constantly being introduced to as a motivation to save these prospects money. Thus, if a prospect has a high interest rate and a new lower rate is introduced to the prospect, then the function of "determining if the at least one financing opportunity benefits the user in comparison to the financial products held by the user" would have been an automatic function even at a glance. Moreover, a lower interest rate would most like yield a savings to the user. A low interest rate comparing to a high interest rate would result in a savings to the prospects. Thus, these limitations would have been obvious to one of ordinary skill in the art to note in the combination of Atkins and Philip storms.

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The prior Office action is repeated below.

2. Applicant's representative stated that claims 66 and 67 are not newly presented because claim 66 was previously presented in an amendment dated February 2, 2006 in Exhibit A while claim 67 was added in an amendment dated October 19, 2006.

In response, Appendix A dated February 2, 2006 does not appear to contain a claim 66. The amendment dated October 19, 2006 requested to add claim 67 and indicated the status of a claim 66 to be as "Previously presented". The Examiner notes that on the last page of their remarks dated February 2, 2006 that claims 1-65 were being referred to while arguing claims 1-66 and that the Fee sheet indicates that 66 claims were presented. It appears that claim 66 on the last page of the appendix containing claim 66 was misplaced. As such, with the benefit of doubt, the Examiner accepts claims 66 as previously presented and claim 67 as newly presented.

3. Applicant's representative argues that Atkins fails to teach or suggest the step or function of "receiving credit data from the user terminal, the credit data including a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products held by the user".

In response, the Examiner is directed to the prior Office action. Further evidence of this teaching by Atkins is noted as providing an individual with an additional loan based on the increase value of his/her real estate property. Specifically, Atkins state on column 9, lines 15-25:

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“the amount of an individual's mortgage can be increased with increases in value of her home and/or of other asset accounts used to secure any loans from her HOME Account.TM. mortgage. For example, as a individual's home increases in value, additional loans may be made to the individual so that the loan to value ratio remains constant at a predetermined percentage. If the individual moves and acquires a more expensive house, the HOME Account.TM. mortgage may be increased and the new house substituted as collateral.”

Thus, based on this passage Atkins does teach “wherein the credit profile comprises at least one particular of any number of financial products held by the user”. Since the user has held a previous loan or financial product and the user is attempted to obtain additional loan as an objective.

Applicant also states that “There is no disclosure in Atkins where a consumer provides any data or information that comprises at least one particular of a financial product held by a user”.

In response, applicant is directed to column 9, lines 15-25 of Atkins.

Atkins also states providing funds to a client so as to decrease the value of an asset account which is used as collateral for a loan. See column 8, lines 25-37 of Atkins.

Applicant further states that the secondary reference, namely, Philip Storms fails to teach or suggest the missing element of Atkins which is “wherein the

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credit profile comprises at least one particular of any number of financial products held by the user".

In response, Philip Storms was not applied to supplement Atkins for this teaching. Philip Storms was applied to denote teaching of generating an output indicating a comparison of at least part of a credit profile with the at least one determined credit financing opportunity. The applicant is directed to the teachings of Philip Storms and also to the prior Office action.

Applicant then states that the rejection of claims 12, 14-17, 18, 19, 33-38 and 53-57 are deficient because the Examiner does not provide a reference that teaches the purportedly missing limitations and does not provide a proper motivation.

In response, the Examiner disagrees. The Examiner had properly rejected the claimed invention with the citation in view of Atkins and Philip Storms and also had provided a proper motivation where appropriate. The Examiner is directed to the prior Office action. Regarding a proper motivation, the applicant is reminded that the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-68** are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins (US Patent No. 5,644,727) in view of Phillip Storms "Using Mortgage Credit to Achieve Client Objectives".

As per claims 1, 2, 7, 58 and 65 Atkins discloses a system and method for allowing a user of a user terminal to receive credit financing opportunities (see the abstract), the method comprising:

receiving credit data from the user terminal, the credit data including a user objective and a credit profile, wherein the credit profile comprises at least one particular of any number of financial products held by the user;

determining credit financing opportunities based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective; (Atkins discloses a system and method for analyzing a customer's inputted credit profile and determines at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein at least one credit financing opportunity

comprises any number of financial products that meet the user objective. Applicant is directed to the abstract of and column 7, lines 30-45 of Atkins).

Atkins specifically states:

"Through a prioritization function, an individual may maximize her financial well being while satisfying the financial institution's objectives. The individual specifies her financial objectives, a forecast of economic and financial variables concerning a set of possible scenarios, her risk preference and the budgetary constraints to which she is subject. The prioritization function suggests consumption levels and investments and credit facilities to the individual to best realize her financial objectives. The function may also suggest one or more contractual agreement(s) reflecting a derivative form of financial instrument(s) that may best assist the individual in realizing her financial objectives".

Atkins also teaches generating the output to the user terminal.

Atkins does not specifically state generating an output, the output including a comparison of at least part of the credit profile with the at least one determined credit financing opportunity.

It is noted that not just any credit opportunity is outputted to the user. The credit opportunity is generated for the particular user who has submitted his/her profile and the credit opportunity is outputted and meets that particular user's objective. Thus, generating an output, the output including comparison of at least part of the credit profile with the at least one determined credit financing opportunities would have been obvious

to do in the system of Atkins in order to provide the user with a result matching his/her financial objective.

Furthermore, Philip Storms discloses an article entitled "Using Mortgage Credit to Achieve Client Objectives". Storms states that in providing a loan to a client, the client's profile must be analyzed and a more appropriate credit financing meeting the client's objective must be considered and chosen. See the article. Storms further teaches comparing and outputting one or more comparisons of a determined credit opportunity with a respective one of the at least one user credit data elements. See the entire document.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by Philip Storms into the system of Atkins in order to provide users or consumers with an instant glance of a result of their financial objective thus making the system more user friendly.

As per claim 3, Atkins discloses the credit profile is comprised at least one user credit data element, the at least one user credit data element identifying one or more characteristics of corresponding financing previously undertaken by the user. See column 10, lines 1-10 and column 27, lines 20-27.

As per claim 4, Atkins discloses generating the output includes generating a first level output and generating a second level output (columns 14-17 of Atkins).

As per claim 5, Atkins discloses the first level output includes one or more comparisons determined credit opportunity with a conventional system. Phillip Storms

discloses an article entitled "Using Mortgage Credit to achieve client objectives".

Storms further teaches comparing and outputting one or more comparisons of a determined credit opportunity with a respective one of the at least one user credit data elements. See the entire document.

The motivation to combine Storms and Atkins are discussed above.

As per claim 6, both Atkins and Phillip Storms disclose there is a plurality of credit data elements and the second output includes one or more comparisons of a determined credit opportunity with the plurality of user credit data elements.

As per claim 8, both Atkins and Phillip Storms disclose the at least one user credit data element includes an interest rate, an outstanding balance and a monthly payment.

As per claim 9, both Atkins and Phillip Storms disclose the at least one user credit data element further includes an identification of whether the corresponding credit data element was issued by a provider of the financing opportunities.

As per claim 10, the combination of Atkins and Phillip Storms discloses the at least one user credit data element corresponds to at least one credit card, a vehicle loan, secured debt, an unsecured debt, home equity loan and a residential mortgage.

As per claim 11, in the combination of Atkins and Phillip Storms the summary includes at least one summary area corresponding to one of the user's credit cards,

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personal lines of credit, personal loans, home equity lines of credit, auto loans, unsecured credit and total outstanding credit (see column 8, lines 56-67).

As per claim 12, Atkins and Storms do not explicitly state the user data further includes personal data corresponding to the user and further including the act of obtaining credit worthiness report based on the personal data. As per this limitation, the Examiner asserts that credit data of a borrower are usually obtained from a credit bureau. Doing the same in the combination of Atkins and Storms would have been obvious to do in order to quickly obtain loan borrowers credit information from a secure and reliable source so as to make a better determination in providing the user or borrower with credit opportunities.

As per claim 13, both Atkins and Storms disclose determining credit financing opportunities includes consideration of the credit worthiness of the corresponding user.

Claims 20-32 and 39-52 are directed to a computer storage medium storing computer executable instructions which when executed perform the functions found in claims 1-13. It is noted that Atkins is a computer system and contains storage means and a processor for performing the functions recited in claims 1-13. Thus, claims 20-32 and 39-52 are rejected under a similar rationale applied to claims 1-13 above.

As per claims 15, 34 and 54, Atkins and Storms disclose the user profile data includes a state of residence. The predetermined decision rules include consideration of the state residence and Current interest rates for potential financing opportunities are usually considered when providing a loan to a borrower. Including such in the combination of Atkins and Storms would have been obvious to do based on the credit data of the borrower and also in order to minimize the borrower's potential losses.

As per claims 16-17, 35-36 and 55-56, the combination does not explicitly teach including receiving a request for detailed information corresponding to a selected one of the financing opportunities and wherein at least a part of the output is provided a substantially pictorial form and wherein the pictorial form includes at least one of a graph and a pie chart. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Atkins and Storms to include such a feature in order to provide loan applicants with detailed information they can choose and analyze at a glance.

As per claims 18, 37 and 57, the combined teachings of Atkins and Phillip Storms are discussed above. The combination does not explicitly teach the predetermined decision rules further consider the user's taxation rate in determining viable credit opportunities. Considering a user's taxation rate in determining credit opportunities would have been obvious to one of ordinary skill in the art to incorporate in the combination of Atkins and Storms in order to determine the true value that a user is

qualified for especially if the loan is for a home in which the tax may be excessively high.

As per claims 19 and 38, the combined teachings of Atkins and Phillip Storms are discussed above. The combination does not explicitly teach preparing a list of potential financing opportunities at least partially based on opportunity data received from at least one product processor, and wherein the determined financing opportunities are selected from the prepared list. Atkins teaches that a plurality of opportunities is made available to a borrower. Preparing such a list would have been obvious to one of ordinary skill in the art in the combination above in order to show all types of loan an applicant is qualified to apply for.

As per claim 60, claim 60 contains limitations recited in claim 1 and therefore, these limitations are rejected under a similar rationale. Claim 60 further recites "querying a knowledge base regarding the input data, and receiving operational data from the knowledge base. As per these limitations, the system of Atkins includes a knowledge base and means or steps for determining optimized information. See column 29, line 65 to column 30, line 19.

As per claim 61, in the system of Atkins, the knowledge base is connected to an electronic network.

As per claim 62, in the system of Atkins, the output includes links to at least one other electronic site.

As per claim 63, querying at least one search engine concerning the input data and processing the results of the querying of at least one search engine.

As per claim 64, Atkins discloses the output includes a list of the optimized information to the user terminal. See column 29, line 65 to column 30, line 19.

As per claim 59, both Atkins and Phillip Storms disclose providing a loan to applicants. The combined teachings specify the type of loans include: vehicle loans, education loans, home improvement loans, medical loans, large event loans and vacation loans.

As per claims 14, 33 and 53, it is not explicitly stated in the combination of Atkins and Philip Storms that the credit opportunity is considered viable if is determined in the determining act that the user will save least a predetermined amount of money during a predetermined time period. It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the user saving a predetermined amount of money during a predetermined time period in the combination therein in order to provide an attractive system that will offer many advantages and benefits to the consumers or borrowers.

As per claim 66, Atkins teaches providing a client with a new loan. Atkins further teaches providing a client with an equity loan. See column 27, lines 20-27 meeting the client's objective.

Claim 67 contains features recited in claim 1, and these features are rejected under a similar rationale. As per the newly added limitations of "wherein the plurality of user objectives comprises at least a lowering an interest rate selection and a lowering a monthly payment selection, the Examiner notes that most borrowers objectives are to obtain a lower interest rate or a lower monthly payment. Thus a service provider or

bank usually provides these options to a potential borrower. Furthermore, Philip Storms teaches providing a client with a lower interest rate and a lower monthly payment. See pages 82-85 of Philip Storms. Thus, making these options available to a client in the system of Atkins and Philip Storms would have been obvious to one of ordinary skill in the art because this is the foal of a potential borrower and banks usually provides this service as such would have attract more clients to the banker or financial service provider of the system of Atkins and Philip Storms.

As per claim 68, the motivation of the system of Atkins and Phillip Storms is to save the user money.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Frantzy Poinvil
Primary Examiner
Art Unit 3692

FP

October 17, 2007